

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JESSE ANDERSON,

Petitioner,

v.

WARDEN DOE L.C.C., et al.,

Respondents.

Case No. 3:16-cv-00538-MMD-WGC

ORDER

Petitioner Jesse Anderson has submitted a *pro se* habeas corpus petition (ECF No. 1-1). His application to proceed *in forma pauperis* (ECF No. 1) will be granted. The petition will be dismissed for failure to state a claim that is cognizable in federal habeas corpus.

Petitioner claims that parole commissioners violated his Fourteenth Amendment due process rights at his August 31, 2016, parole revocation hearing. However, “relief is available to a prisoner under the federal habeas statute only if success on the claim would ‘necessarily spell speedier release’ from custody.” *Nettles v. Grounds*, 788 F.3d 992, 1001 (9th Cir. 2015); 28 U.S.C. § 2254. A claim that a parole revocation hearing violated due process would implicate petitioner’s civil rights under 28 U.S.C. § 1983. Therefore, the petition will be dismissed for failure to state a claim for which federal habeas relief may be granted.

It is therefore ordered that petitioner’s application to proceed *in forma pauperis* (ECF No. 1) is granted.

1 It is further ordered that the Clerk file and electronically serve the petition (ECF No.
2 1-1) on the respondents.

3 It is further ordered that the Clerk add Adam Paul Laxalt, Nevada Attorney General,
4 as counsel for respondents.

5 It is further ordered that this action is dismissed as set forth in this order.

6 It is further ordered that petitioner's motion for appointment of counsel (ECF No.
7 5) is denied as moot.

8 It is further ordered that a certificate of appealability is denied.

9 It is further ordered that the Clerk enter judgment accordingly and close this case.

10 It is further ordered that the Clerk send to petitioner one (1) copy each of the
11 prisoner application to proceed *in forma pauperis* and 42 U.S.C. § 1983 complaint form
12 and instructions.

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14 DATED THIS 19th day of October 2016.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE